

## Exhibit "A"

September 16, 2016

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for September 1 through September 15, 2016

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of September 1 through September 15, 2016. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Sandra Roberts** filed a claim during the month of August, 2016, in the amount of \$1,100.00 for damage allegedly incurred to tire and rim as the result of pothole. This claim has been reviewed by this office and has been **denied**.

**Kathy Girard-Williams** filed a claim during the month of August, 2016, in the amount of \$1,000,000 for alleged injury incurred when claimant was riding her bicycle and struck a tree branch hanging over sidewalk. This claim has been reviewed by this office and has been **denied**.

**Darin Fessler** filed a claim during the month of August, 2016, in the amount of \$300.00 for damage incurred to window as the result of rock allegedly thrown by City mower. This claim has been reviewed by this office and has been **denied**.

**Tuscany Townhomes LLC** filed a claim during the month of August, 2016, in the amount of \$34,887.28 for expense incurred as the result of alleged negligent plan approval and inspection of footings for townhomes. This claim has been reviewed by this office and has been **denied**.

**Sam Myhre** filed a claim during the month of September, 2016, in the amount of \$1,974.75 for damage incurred to landscaping as the result of manhole repair. This claim has been reviewed by this office and has been **denied**.

**Pat Schreurs** filed a claim during the month of September, 2016, in the amount of \$61.00 for damage incurred to door as the result of action by Lincoln Police. This claim has been reviewed by this office and has been **denied**.

### **ALLOWED/SETTLED CLAIMS:**

**Alicia Howe** filed a claim during the month of July, 2016, in the amount of \$2,401.43 for damage incurred to vehicle when struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,500.00.

**Jackie Perry** filed a claim during the month of August, 2016, in the amount of \$1,009.77 for damage incurred to vehicle when struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,009.77.

**Charlie Sims** filed a claim during the month of August, 2016, in the amount of \$1,427.55 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,427.55.

**Destini Waage** filed a claim during the month of September, 2016, in the amount of \$126.14 for damage incurred to tire when claimant took evasive action while driving her vehicle to avoid colliding with a City vehicle causing tire to strike curb. This claim has been reviewed by this office and has been **allowed** in the amount of \$126.14.

#### **LITIGATION SETTLEMENT:**

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Two separate lawsuits were filed against both the City of Lincoln and Lancaster County in the Lancaster County District Court by Ben and Leigh Lewis and Nathan Lewis by and through his next friend and father and mother Ben and Leigh Lewis. Both cases have been **settled** in the amount of \$16,000 with \$11,000 to be paid by the City of Lincoln and \$5,000 to be paid by Lancaster County.

#### **PENDING CLAIMS:**

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**Brett Smith** filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Dorothy Oreskovich** filed a claim in the amount of \$10,455.00 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Minarick Investments LLC** filed a claim during the month of June, 2015, in the amount of \$430.90 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Emily Kline** filed a claim during the month of August, 2015, in an unspecified amount for alleged injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

**Antonio Tyrone Williams** filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for alleged loss of employment and wages and mental anguish as the result of his arrest and incarceration. This claim is under review and is **pending**.

**Brenda Bolejack** filed a claim during the month of January, 2016, in an unspecified amount for damage allegedly incurred as the result of interruption of electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC** filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

**Mike Morosin** filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

**Alexis Springer** filed a claim during the month of April, 2016, in an unspecified amount for damage allegedly incurred as the result of pothole. This claim is under review and is **pending**.

**Barine Deeza** filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Terry Danek** filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of May, 2016, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. crew. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Cynthia and William Carter** filed a claim during the month of July, 2016, in the amount of \$8,853.71 for damage incurred to two vehicles when a Forestry truck's lift bucket struck a low-hanging L.E.S. wire causing the pole connected to the wire to fall on vehicles. This claim is under review and is **pending**.

**Wyatt Ryan** filed a claim during the month of July, 2016, in an unspecified amount for damages and injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Pete Sinica** filed a claim during the month of July, 2016, in the amount of \$10,184.15 for damage incurred to sewer line when electrical was placed underground by L.E.S. contractor in 1991-1992. Claimant also alleges that the sewer line was improperly reconnected to main by City contractor during storm sewer construction in 1999. This claim is under review and is **pending**.

**Jenifer Rouse** filed a claim during the month of August, 2016, in the amount of \$4,000.00 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

**Mike Reddish** filed a claim during the month of August, 2016, in the amount of \$1,865.00 for damage incurred to driveway as the result of water main break. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of August, 2016, in the amount of \$455.00 for damage allegedly incurred to underground cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Chesterfield Services Inc., Third Party Administrator for The Salvation Army**, employer of Imad Mohammed, filed notice of lien during the month of August, 2016, for workers compensation claim of Imad Mohammed resulting from accident involving vehicle driven by Sam Cubrich, Nebraska Game and Parks employee who was operating a City of Lincoln Parks and Recreation vehicle. This claim is under review and is **pending**.

**TJ Cable** filed a claim during the month of August, 2016, in the amount of \$5,000.00 for damage incurred to equipment when struck by L.E.S. backhoe. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Michael High** filed a claim during the month of August, 2016, in the amount of \$1,545.93 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

**Matthew Schmidt** filed a claim during the month of August, 2016, in an unspecified amount resulting from motor vehicle accident involving a City vehicle operated by a seasonal Parks employee. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED DURING THE PERIOD OF SEPTEMBER 1 THROUGH SEPTEMBER 15, 2016:**

**Jacqueline Dettman** filed a claim in the amount of \$1,606.86 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

**Allied Insurance as subrogee of Professional Choice Recovery** filed a claim in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus,** filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit has been filed in the Lancaster County Court and litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Michael Bradstreet** filed a claim during the month of April, 2014, in the amount of \$1,000,000 alleging damages incurred as the result of accident involving a fire truck. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 12, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Luevonne Murrell** filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

**Susan Dermer** filed a claim during the month of November, 2014, in the amount of \$10,226.02 for alleged damages incurred as the result of sewer backup on October 1, 2014. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 29, 2015. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Susan Dermer** filed a claim during the month of August, 2015, in the amount of \$44,593.61 for alleged damages incurred as the result of sewer backup on May 7, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 2, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Submitted by City Law Department  
c: Risk Management